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Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

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Gray Davis
Governor

July 26, 2002

Barry Wallerstein, D. Env.
Executive Officer
South Coast Air Quality Management District
21865 E Copley Drive
Diamond Bar, California 91765-4182

Dear Dr. Wallerstein:

I am writing in response to certain comments submitted to the South Coast Air Quality Management District (SCAQMD) regarding the Draft Subsequent Environmental Impact Report (EIR) prepared by the SCAQMD for the Ultramar Wilmington Refinery Phase III Clean Fuels Project. The comments in question were authored by Communities for a Better Environment (CBE) and make reference to a memorandum prepared by the Air Resources Board's (ARB) Office of Legal Affairs. CBE takes statements in the ARB legal memorandum regarding the availability of the California Environmental Quality Act (CEQA) to address cumulative impacts to mean that SCAQMD must include in the EIR an analysis of the effects of the project on specific groups. We do not agree.

The memorandum referenced by CBE was prepared to explore the legal landscape in which the ARB will carry out its commitment to environmental justice. The document discusses the ways that CEQA can be used to address environmental justice. The memorandum both describes current law and makes certain suggestions regarding implementation of environmental justice policies as expressed in state and federal law. This is a complex process. As you are aware, the ARB, together with representatives from local air districts, public interest and community groups, and industry, is working to establish, improve and refine the means by which environmental justice concerns are addressed in all program areas. Our focus will remain on the goals of treating all communities in California fairly and achieving clean air for all Californians.

A key recommendation in the memorandum is the need to invest the existing environmental review process under CEQA with better tools and resources for assessing and mitigating cumulative impacts. The ARB has committed to making the current CEQA process more robust through improved analytical tools and better dissemination of information about air quality as a part of the Environmental Justice Policy approved by the Board last December. These efforts are underway. As a practical matter, this will strengthen the environmental review process under CEQA and

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

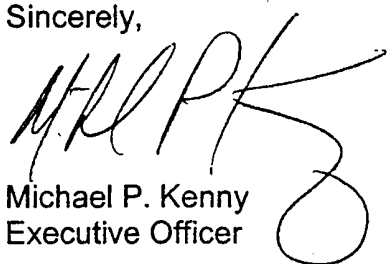
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bring about improvements in air quality for exactly those areas that have been hardest hit as the result of historic land use decisions or for any other reason. The ARB agrees with the SCAQMD, however, that the requirement of CEQA that all public agencies consider cumulative impacts and feasible mitigation and alternatives does not require an analysis of the impacts on specific groups.

If we can be of further assistance, do not hesitate to call me at (916) 445-4383 or ARB Chief Counsel Kathleen Walsh at (916) 323-9606.

Sincerely,



Michael P. Kenny
Executive Officer

cc: Barbara Baird, District Counsel
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Steven Smith, Supervisor ✓
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